

United States District Court
Northern District of California

1
2
3
4
5
6
7

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 FRANCIS ANTHONY HUMES,
12 Petitioner,
13 v.
14 MONTEREY COUNTY JAIL,
15 Respondent.

Case No. 21-05123 BLF (PR)

ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

(Docket No. 8)

Petitioner, a California inmate, filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.¹

Petitioner has filed a motion requesting the appointment of counsel. Dkt. No. 8. The Sixth Amendment's right to counsel does not apply in habeas corpus actions. *See Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir.), cert. denied, 479 U.S. 867 (1986). Unless an evidentiary hearing is required, the decision to appoint counsel is within the discretion of the district court. *See Id.* at 728; *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), cert. denied, 469 U.S. 838 (1984). An evidentiary hearing does not appear necessary at this time, and there are no exceptional circumstances to warrant appointment of counsel.

¹ This matter was reassigned to this Court on July 15, 2021, after Plaintiff declined magistrate jurisdiction on July 12, 2021. Dkt. Nos. 4,7.

1 Accordingly, Petitioner's motion for appointment of counsel, Dkt. No. 8 is **DENIED**
2 without prejudice to the Court's *sua sponte* reconsideration should the Court later find an
3 evidentiary hearing necessary following consideration of the merits of Petitioner's claims.

4 This order terminates Docket No. 8.

5 **IT IS SO ORDERED.**

6 Dated: October 14, 2021


BETH LABSON FREEMAN
United States District Judge

United States District Court
Northern District of California

26 Order Denying Mot. for Appointment of Counsel
PRO-SE\BLF\HC.21\05123Humes_deny-atty

27
28